

Robert D. Infelise (California State Bar No. 93876)
 Peter M. Morrisette (California State Bar No. 209190)
 Cox, Castle & Nicholson LLP
 555 California Street, 10th Floor
 San Francisco, California 94104-1513
 Telephone: (415) 392-4200
 Facsimile: (415) 392-4250
 Email: rinfelise@coxcastle.com

Attorneys for the plaintiffs,
 DR Management, LLC; DR Acquisitions I, LLC; DR Holdings,
 LLC; Jennifer Lin; Frederick Lin; and Kevin Lin

Joseph P. Russoniello (California State Bar 44332)
 United States Attorney
 Thomas Moore (ASBN 4305-T780)
 Assistant United States Attorney, Chief, Tax Division
 Cynthia Stier (District of Columbia Bar No. 423256)
 Assistant United States Attorney
 10th Floor Federal Building
 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-7000; Facsimile: (415) 436-6748

Robert J. Higgins (District of Columbia Bar No. 242966)
 Trial Attorney, U.S. Department of Justice
 Bart D. Jeffress (Connecticut Bar No. 419184)
 Trial Attorney, U.S. Department of Justice
 555 4th Street., N.W., Room 8816
 Washington, D.C. 20001
 Telephone: (202) 307-6580; Facsimile: (202) 514-9440
 Email: robert.j.higgins@usdoj.gov

Attorneys for the defendant
 United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DR MANAGEMENT, LLC, et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 05-01010 MMC

**FOURTH STIPULATION TO CONTINUE
 TRIAL DATE AND SUMMARY
 JUDGMENT MOTION HEARING DATE;
~~PROPOSED~~ ORDER**

This stipulation between the plaintiffs (DR Management, LLC; DR Acquisitions, LLC; DR Holdings, LLC; Jennifer Lin; Frederick Lin; and Kevin Lin) and the defendant (the United States of America) is based on the following facts:

RECITALS

1. On February 7, 2008, the plaintiffs and the defendant filed a stipulation (Document 145) (i) notifying this Court that the parties had reached a tentative settlement and (ii) requesting that this Court continue the trial date and summary judgment hearing no less than four months so as to provide the defendant with sufficient time to secure the necessary approvals from the Department of Justice and the Internal Revenue Service and prepare the settlement papers.

2. On February 8, 2008, this Court issued an order (Document 146) approving in part the stipulation to continue the trial date and summary judgment hearing date, and set the following revised calendar in this action:

- Summary Judgment Motion Hearing: June 20, 2008
- Pretrial Filings, including Motions in Limine: July 1, 2008
- Opposition to Motions in Limine: July 8, 2008
- Pretrial Conference: July 15, 2008
- Trial Date: August 25, 2008

3. On February 20, 2008, the plaintiffs and the defendant filed a stipulation (Document 147) notifying this Court of a conflict that the plaintiffs' lead lawyer, Robert D. Infelise, had with the schedule adopted by this Court. On February 21, 2008, this Court issued an Order (Document 148) approving the stipulation and set the following revised calendar in this action:

- Summary Judgment Motion Hearing: July 18, 2008
- Pretrial Filings, including Motions in Limine: August 5, 2008
- Opposition to Motions in Limine: August 12, 2008
- Pretrial Conference: August 19, 2008
- Trial Date: September 29, 2008

1 4. On July 2, 2008, the plaintiffs and the defendant filed a stipulation (Document
2 149) notifying this Court that the plaintiffs needed more time to finalize the settlement and requested
3 an approximately one month extension in the dates adopted by the Court pursuant to its February 21,
4 2008 Order (Document 148). On July 3, 2008, this Court issued an Order (Document 150) approving
5 the parties stipulation for an extension and setting forth the following schedule:

- 6 • Summary Judgment Motion Hearing: August 29, 2008
- 7 • Pretrial Filings and Motions in Limine: September 19, 2008
- 8 • Opposition to Motions in Limine: September 26, 2008
- 9 • Pretrial Conference: October 7, 2008
- 10 • Trial Date: October 20, 2008
- 11

12 5. Since February 7, 2008, the parties have been diligently working toward
13 finalizing the terms of plaintiffs' offer and government approval for the tentative settlement.
14 Specifically, the plaintiffs have been responding to the Internal Revenue Service's and the Department
15 of Justice's requests for additional documents related to the tentative settlement. The United States of
16 America, on the other hand, has been diligently (i) analyzing documents produced by the plaintiffs
17 both before and after reaching a tentative agreement and (ii) obtaining approvals from the various
18 officials who must approve it. As this Court is aware, any settlement must be reviewed by several
19 officials within the Department of Justice, culminating with final review and approval by the
20 Associate Attorney General of the United States. To date, the settlement has been reviewed and
21 recommended by the Western Region of the Civil Trial Section of the Tax Division, and reviewed by
22 the Tax Division's Office of Review and forwarded to the Tax Division's Acting Assistant Attorney
23 General for this matter. If he approves the settlement, it would then be forwarded to the Associate
24 Attorney General for his consideration. In addition, the Internal Revenue Service is reviewing and
25 analyzing the tax information provided the plaintiffs for multiple tax years and it needs more time to
26 complete this review. The parties believe that 3 months are needed to finalize this review and execute
27 the settlement.

TERMS

Based on these facts, the plaintiffs and the defendant agree to the following schedule:

- Summary Judgment Hearing – January 19, 2009
- Pretrial Filings and Motions in Limine – February 5, 2009
- Opposition to Motion in Limine – February 12, 2009
- Pretrial Conference – February 19, 2009
- Trial – March 25, 2009

August 20, 2008

Cox, Castle & Nicholson LLP

By: /s/ Robert D. Infelise

Robert D. Infelise
Attorneys for the plaintiffs,
DR Management, LLC; DR Acquisitions I, LLC;
DR Holdings, LLC; Jennifer Lin; Frederick Lin;
and Kevin Lin

August 20, 2008

United States Attorney
Joseph P. Russoniello, Esq.
Robert J. Higgins, Esq.
Bart D. Jeffress, Esq.

By: /s/ Robert J. Higgins

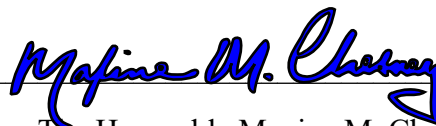
Robert J. Higgins
Attorneys for the defendant
United States of America

ORDER

Pursuant to the stipulation of counsel, ~~it is so ordered.~~ and good cause appearing for a continuance, the remaining dates and deadlines are continued as follows:

Summary Judgment Hearing - January 23, 2009
Pretrial Filings and Motions in Limine - February 10, 2009
Oppositions to Motions in Limine - February 17, 2009
Pretrial Conference - March 3, 2009
Trial - March 23, 2009

Date: August 21, 2008



The Honorable Maxine M. Chesney